



# Quid Navi



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UNIVERSITÉ MCGILL FACULTÉ DE DROIT  
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le 7 novembre, 1994

## Go North, Young Man

Conor John Fitzpatrick  
LLB I

In late 1896, almost ninety-eight years ago, George Carmack, Tagish Charlie and Skookum Jim discovered gold on the creeks feeding into the Klondike River surrounding Dawson City.

Almost overnight, thirsty fortune-seekers' headed for the Klondike via the Chilkoot Trail, just a few miles from what is now Skagway, Alaska. They dreamt of quick fortunes and adventure to repel the reality of the depression of the mid 1890's.

Today, young job-seeking students from all over the continent head to the Yukon/Alaska region with similar dreams of perhaps smaller fortunes and less life-threatening adventures. We also seek to escape the reality of the Depression of the 1990's. With student summer unemployment levels reaching 50% in

some Canadian cities this past summer, undergraduate and graduate students alike head north to where the natural resource- and tourism-based economy doesn't feel the pinch.

Well, maybe it only feels a muted, delayed pinch. When several friends and I landed in Yellowknife Northwest Territories in 1990, jobs were abundant compared with Edmonton to Montreal. Yet, with the recent mining tragedies and the unexpectedly low high-grade diamond deposits found in the Yellowknife region, (signalled by the decision of the DeBeers Corporation not to invest in exploration), spin-off employment for summer students has dropped considerably.

Not so for the Yukon. As you may well have read, there was plenty of employment for reserve firefighters in the wake of the most active forest-fire season in years. Many fires continue to burn as

you read. But the principal employers remain the tourists and resource industries.

Admittedly, Whitehorse, the territorial capital, is not Banff. Yet it is predicted that, by the year 2005, this small capital city of 21,000 will be the largest logistical centre for adventure tours in North America. The number of Americans and Europeans who run the Tatshenshini River grows exponentially every season. Whitehorse is also a major stop on the Alaska Inside Passage - Yukon - Alaskan interior tour routes. Quite obviously, though not explicitly stated in tourist publications, the buying power of the American dollar and the German mark makes the Yukon Territory a real holiday option in the penny-pinching nineties.

Savings are certainly not the only attraction. The Yukon is Canada's most beautiful region be

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## The L.S.A. Discovers the Harshness of Majority Rule

Simon Richard  
BCL I

There are some tough questions that all politicians have to face at one point or another. Take this one for instance: How do you get around the Constitution when it says something you don't like? There is the Canadian solution of locking up all Premiers in a room and get them to agree on something nobody wants. There is also the Boris Yeltsin solution i.e. to storm the Parliament, put all opponents in jail and

call a referendum to give all powers to the president. Certain LSA members would now like to make their own contribution to the doctrine of constitutional amendments.

The plan is the following: you call a referendum to amend the constitution with respect to the referendum provisions and then call another referendum, this time to be done your own way. So simple that it almost sounds commonplace. This is not to suggest in any way that your

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# Announcements / Annonces

## FORUM NATIONAL

### Upcoming Forum National Events:

**Ed Broadbent**, "Canada's role on the International Stage", Thursday, November 10, 1994 at 4:00 p.m. in the Moot Court.

**Claude Brochu**, Managing Partner of the Montréal Expos Baseball Club, Wednesday, November 23, 1994 at 12:30 p.m. in the Moot Court.

**The Honourable Mr. Justice Frank Iacobucci**, Supreme Court of Canada, Monday, January 16, 1995 at 12:30 p.m. in the Moot Court.

**Justice Jean-Louis Baudouin**, Québec Court of Appeal, Wednesday, March 15, 1995 at 12:30 p.m. in the Moot Court.

Everyone is invited to attend.

## NEW YORK AND MASSACHUSETTS BAR INFORMATION

Anyone interested in taking the New York and/or Massachusetts Bars and Bar Review Course in the summer of 1995 should contact Jon Cutler by e-mail (J\_CUTLER) or phone (848-1024).

## YEARBOOK NEWS / ALBUM DE FIN D'ANNÉE

The Yearbook Committee is still looking for people to pitch in for layout, photography, marketing, and a few other things too. We need your help to make YOUR yearbook, which captures, and publishes, those Kodak moments. ALL YEARS are pictured in the yearbook, hence we need people from FIRST to FOURTH year to help out. Sign up on the list posted next to the L.S.A. Office, or call Tanvi at 282-2053 or Laurence at 731-0046.

Nous avons besoin de votre participation pour réaliser VOTRE album de fin d'année. Nous avons besoin de personnes intéressées à prendre des photos, faire du marketing et de la production. Puisque l'album est celui de TOUTES les années, nous avons besoin

d'étudiant(e)s de PREMIERE année aussi! Mettez donc votre nom sur la liste qui est affichée devant le bureau de l'A.E.D ou bien contactez Tanvi au 282-2053 ou Laurence au 731-0046. A bientôt!

## NOTES FROM THE OFFICE OF UNDERGRADUATE STUDIES...

**Students graduating in February 1995** should see Christine Gervais, Room 109, re their degree audit.

Preliminary lists of **students graduating in June 1995** are posted on the bulletin board in the corridor behind U.S.O. All students in their third year and in their fourth year should consult these lists for possible errors. It is especially important that third year students check for their names, as some whose names may appear will be in the National Programme and will not, therefore, expect to graduate in June 1995. All problems should be brought to the attention of Christine Gervais.

We have several pieces of **found costume jewellery** languishing in our safe. If you have recently lost a brooch, a chain, bracelet or an earring, stop by the U.S.O., it may have been turned in.

There are several **changes and additions to Winter Term course offerings** which are listed below. MARS opened on 1st November for second term course change, and will remain open until 15th January. You may make changes to your winter term course selection until 15th January without penalty.

### Civil Litigation & Advocacy

472-459B (01)

M. le juge Jean Legault

Mondays, 17:30-20:30

There are three spots left in this course. It is open to graduating students only and you require a password to register. Get yours from U.S.O.

### TERM II - ADDITIONS

**Environment and the Law** 389-580B (01)

Me. Darlene Pearson

Mondays, 16:30-19:30

**Intellectual & Industrial Property** 494-463B (01)

Prof. Ysolde Gendreau

Tuesdays and Thursdays, 10:00-11:30

**R.S. Civil Law of Obligations** 389-508/9B (04)\*

Prof. Crepeau

Wednesdays, 10:30-12:30

**R.S. Copyright and Information Technology** 389-508/9B (05)\*

Prof. Johnston and Mr. S. Handa

Wednesdays, 16:30-18:30

**Resolution of International Disputes** 389-533B (01)

Me. Pierre Klein (Boulton Fellow)

Mondays, 17:00-20:00

Language of Instruction: French

Course descriptions for the above are available from the U.S.O.

\* N.B. The section number for a Research Seminar determines whose seminar you are registered in. Take the time to check you are enrolling yourself in the correct section.

### TERM II - CANCELLATIONS

**Communications Law** 389-577B (01)

Dr. Jakhu

**International Development Law** 389-516B (01)

Prof. Bissonnette

If you are still registered in either of these courses, please delete them via MARS.

A reminder that Prof. Sklar's section of **Criminal Law** (491-111B 01) will now be taught by Me. James O'Reilly in one time block: **Fridays, 13:00-16:00.**

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Rédacteur-en-chef/ Editor in chief:  
Jay Sinha

Rédactrice Française/French Editor:  
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Barbara Frederikse

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Julie Carter

Rédacteur de Format/Format Editor:  
Adam Atlas

Rédacteur de production/Production Editor:  
Don McGowan

People who wrote in this Quid/Ceux qui ont écrit pour ce Quid:

Conor John Fitzpatrick, Simon Richard, Adam Atlas, Hanson Hosein, Jody Berkes, Helené Jutras, Ami Kotler, Vincent de Grandpre, Marian Tremblay, Craig Shepherd, Jean Nelson, Maria Lopes and Lloyd Lipsett.



(Continued from page 2)

There is a **time change** for Me. Gaudet's section of **Obligations I** (472-141D 02). His class will run from 8:30-10:30 on Fridays.

**Christmas Examinations** are snapping at your heels. If you are experiencing problems coping with stress or if you need someone to talk to confidentially, those great people of **Law Link** are there to help you - use them! **Examination information** starts to appear in late October. Keep an eye on **Board No. 3** outside Room 101 for up-to-date information on your examinations.

#### EXAMS COMMITTEE

Needed: one upper-year student (2nd year and up) interested in being on the Exams Committee. The student will be expected to help develop next year's exam schedule and have an input on examination period mechanisms. Those interested should leave an application (C.V. and letter) in the Social Coordinator's box in the L.S.A. office by

Friday, November 11.

#### GRADUATE STUDIES

Graduating this year? Interested in doing graduate studies in law? If you do wish to do graduate work at another university, please contact Professor Jeremy Webber at 398-8947. If you are graduating this year, you should contact Professor Webber as soon as possible because some of the application deadlines are very early (the first was on September 21) and the applications take time to put together. Professor Webber has considerable information on scholarships for study abroad, and would be happy to advise you on potential destinations and sources of funds.

#### FINAL YEAR CAREER OPPORTUNITIES - MCKINSEY & COMPANY

To all students in the final year of law school,

McKinsey & Company will be giving a presentation Re: Career opportunities in consulting on Thursday, November 17, 1994 at Noon in the Common Room. Company literature is available at the Career and Placement Service Office in the Powell Building, Room 308.

#### REMEMBRANCE DAY

The Faculty of Law will observe a minute of silence at 11:00 a.m. on November 11 to commemorate Remembrance Day.

#### NEED A PART-TIME JOB?

The job is at one of Montreal's foremost private modern art galleries. The gallery is in the Côte St. Luc area and the job involves secretarial work and some manual labour (packaging and moving objects) for about 20 hours per week starting immediately. If interested, call Jay at 270-1589.

## Annie Macdonald Langstaff Workshop Series

#### Katia Opalka BCL II

The final workshop of the the semester will be held on Wednesday, November 9th, at 12:30, in Room 202. Our very own Professor Shauna Van Praagh will be speaking on "Children, Religion and Other Unmentionables." Professor Van Praagh will be focussing on religion and custody. For background reading, please consult her review of Syrtash, "Religion & Culture in Canadian Family Law," which appeared in the McGill Law Journal in April, 1993. Be sure to attend this important event — it's a rare opportunity to confront issues which make the law, and lawyers, very uncomfortable indeed.

The Annie Macdonald Langstaff Series has enjoyed tremendous success this semester. On October 5th, Claire Young, from U.B.C. Law School, came to tell us about her involvement as an intervenor in the *Thibodeau* case. A jam-packed Room 202 was delivered some alarming statistics regarding those who benefit, and those who don't, from the tax deductions we're all

learning to compute in Professor Durnford and Me Allard's classes.

The Forum on Alternatives to Big Firm Practice, held on October 26th in the Moot Court, was another resounding success. Five lawyers were in attendance to tell us about their experiences at school, during their "stage"s, and at present. Martha Shea, a legal aid lawyer in Outrement, told us not to be afraid to ask the Faculty for club funding - when she was a student here the Faculty supported her in many of her endeavours with Women & the Law. Hélène de Kovachich, who runs her own mediation firm, compared her experiences at the Ministère du Revenu du Québec with life at Stikeman Elliot. She also explained how the adoption of two children, and the bearing of another in the space of two years led her to go into business for herself. Anjali Choski, a native rights lawyer, explained the frustration of dealing with judges who can't or won't recognise such fundamentals as aboriginal land title and social ordering. Jill Hugesson spoke of the sad choices faced by a lawyer mother in a big firm: work "full" time, get interesting work

and forget your children, or work "part" time (40 hours), see your kids and accept mind-numbingly boring work. She is now in-house counsel at a sporting goods company, and has a schedule everyone can live with. Sophie Bourque, a criminal defense lawyer, brought the house down with her relentless sense of humour. At 33 she already sees us as the next generation, and she wrned us (mes petits minous) that it will be very hard to find work. Be nice to your fellow students, she said, because one day they'll be your clients!

We'll see you on November 9th, and remind you of events coming up next semester, on January 11th, March 1st and March 22nd, respectively, in Room 202 at 12:30:

-Twila Perry, Rutgers University, S.I. Center for Law & Justice, "What's Love Got To Do With It? Emotional Distress, Feminism, and Tort Law"

-Hester Lessard, University of Victoria Law School, "Equality Theory and Sexual Harassment"

-Marie-France Bich, Faculté de Droit, Université de Montréal, "Équité dans l'emploi"

#### ATTENTION! LA DATE LIMITE POUR LA DERNIERE ÉDITION EST LA SUIVANTE:

Vendredi, le 11 novembre 1994 pour l'édition du mercredi 23 novembre 1994

Les soumissions peuvent être effectuées par courrier électronique (<<quid@lsa.lan.mcgill.ca>> ou tout simplement <<quid>> si vous êtes branchés au réseau de la Faculté de droit), ou au moyen de disquettes ou transcriptions dactylographiées ou écrites à la main. Les disquettes Macintosh peuvent être traduites en format IBM à la salle des ordinateurs.

#### ATTENTION! DEADLINES FOR THE REMAINING ISSUE IS AS FOLLOWS:

FRIDAY, 11 November 1994 for the Wednesday, 23 November 1994 issue

Submissions may be made by E-mail (quid@lsa.lan.mcgill.ca or just quid if you are on the Law Faculty network), disk, typed or handwritten copy. Macintosh disks can be translated to IBM format at the computer lab. Disks and typed or handwritten articles may be left in the Quid Novi box in the LSA Office.



## Editorial - A Question of Rights

It is interesting to note how one's perspective changes once one enters an institution like a faculty of law. We start learning about these things called rights and we feel empowered somehow. It seems as though all of a sudden our eyes have been opened to a new world. We *know* that no longer will someone who appears more powerful be able to infringe on our rights. We *know* that we have the power to right the injustices we face in our lives. This is a very powerful force that we hold and we will use it to make a difference in the world at large.

The only problem with such a knowledge is that it is useless unless we use it to enforce the rights that we have. One example of this that touches almost every student is in relation to landlord/tenant situations. In certain cases it is not worthwhile to lodge a formal complaint if it will cause hard feelings between yourself and the landlord as there may be irritating but not illegal repercussions. Or there may be repercussions that are obviously contrary to the civil code, but the landlord knows that it is tiring (and possibly expensive) to turn to the Régie on a regular basis. Before filing a complaint you must always weigh the pros and the cons of whatever action you are about to take.

However, it is not always easy to see the cons of an action when your rights are being infringed. My personal experience in this area was most distressing. Unfortunately it happened at the Halloween party organized by the L.S.A. in relation to Law Games. Upon arriving at *Le Loft* we were told that although we had tickets we were supposed to wait in line behind the other non-ticket holders. I know that we were not the only group that was told this and I know that we were not the only group to question such an action. The people with whom I went to the party all felt the same way; that ticket holders should get priority over non-ticket holders. The bouncer at the door was of a different opinion however. We asked to speak to the manager to find out what was going on, at which point the doorman told us that we were being bitchy. Without going into too many details I will get right to what appeared to be the heart of the problem. When the doorman *shoved* me back I told him to get his hands off me or I would charge him with assault. [For those of you interested, this would be assault under s.265(a) of the *Criminal Code*: "A person commits assault when (a) without the consent of another person, he applies

force intentionally to that other person, directly or indirectly."] My purpose in telling him this was merely to get him to stop pushing us, it was not an action I was seriously considering. At that point I was told that, no matter what, I was not going to be admitted to the bar that night. The words the doorman used were quite a bit more colourful, but I will spare your delicate sensibilities.

It appears that throughout the evening law students were using the same arguments we were using since the doorman made some rather derogatory remarks about lawyers and law students. It was quite clear that we were not the first group to request admittance on the basis that we had prepaid the admission fee. Some students relented and stood in line; one person I know stood in line for over an hour and finally left when it appeared he would not be getting in soon.

At one point another bouncer came down and asked how I could expect to be let in when I had threatened the other doorman (I am being generous in using the word "asked" as his tone of voice did *not* suggest a question). The threat, he explained (again a loose usage of the word "explained"), was that I "threatened to call the cops." In other words, the threat consisted of trying to obtain some form of remedy for the violation of my right *not* to be assaulted. There was no silver lining to this cloud of an evening. My Halloween was ruined and I am now faced with a dilemma: what sort of action (if any) should I take?

There are many things that could be done, the most serious of which would be to actually charge the doorman with assault. Not having dealt with the police in any capacity before, I am unsure whether the police would even lay such a charge. Probably they would put it at the bottom of a pile, leaving them free to pursue more urgent matters. Even if a charge were to be laid, I would have to be willing to go to court and testify. This would be something that would occupy my time and probably take away from my school work (if it happened during school time) or a paying job. Besides the inconvenience, it would prevent me from just forgetting about the entire incident for some time to come. My only remedy in such a situation would be a feeling of vindication, but feeling vindicated would not necessarily be worth all that trouble.

Another action I could take would be to complain to the manager. Most managers would try to keep the customers happy by

correcting the situation. However, the manager might feel that it is an asset to have a doorman who will be aggressive in dealing with customers to "keep them in line" and defend such actions. Again, this would be somewhat time consuming and awkward since I am rarely home during the day to be able to make phone calls and I don't think that a letter to the manager will be as effective as a face-to-face meeting or at least a telephone conversation.

Another action would be to launch some form of letter writing campaign to the various papers in town, letting the city at large know what type of treatment my friends and I received at *Le Loft*. It is interesting that, at this time, this is the option that seems the most viable. Interesting in the sense that this does not involve "rights" *per se*. This is an action that can be initiated simply because we were not pleased with the general treatment we received, regardless of the specific actions of any employee.

The point of this article (besides giving me a forum to vent my frustration) is that rights are sometimes of little help. If you don't take specific actions to make sure that your rights are enforced (this is assuming that you know your rights) it may be the equivalent to not having rights. However, in some cases, enforcing your rights (or saying that you will try to enforce your rights) could lead to greater repercussions than you are willing to bear. In my situation, using 20/20 hindsight, I would not have suggested that I could charge the doorman with assault due to his intentional use of force. I would have rather had some fun in the evening and waited in line. At the time, however, I had no way of knowing that standing up for myself and not letting someone push me around would lead to my evening being ruined.

Although my situation was minor, this type of thing goes on all the time and people's rights are continuously violated by those with more power. It is often only when the violation is quite serious that an action will be initiated. I find it upsetting that sometimes it is in your own best interest to let your rights be violated rather than take action. I suppose that if we lived in a perfect world there would be no question of being able to enjoy your rights. There would be no dilemma of whether it would be better to "just forget about it" or whether it would be worth it to fight for your rights tooth and nail. In a perfect world, all rights would be absolute.

Barbara Frederikse



# Life After Law

**Hanson R. Hosein**  
LLB ('92) BCL ('93)

I had my near religious experience early in the Summer of 1992 while leafing through masters degree calendars at McLennan Library. In that instant, my "why not law?" attitude changed, as it dropped the "not." The scales fell from my eyes and I asked myself, "WHY law?" At that moment, I had stumbled across the Columbia University Graduate School of Journalism masters program calendar -- and the entire course of my life changed.

After applying to Columbia, I bided my time in law. I passed the New York and Massachusetts Bar exams, I finished off my B.C.L. at the Universite de Paris (II) and got a maitrise en droit for my troubles. I was then accepted into Columbia (partly thanks to a charitable reference letter from a McGill prof who is now your Dean) where I specialized in foreign news and television journalism. Today, the only law I have to deal with is the occasional O.J. Simpson trial story question (distasteful in its own right) as I work as an associate producer at "NBC Nightly News with Tom Brokaw" in New York City.

I share this with you only

because I found that when I was at McGill, there seemed to be an enormous amount of pressure to do the "large law firm thing". You know, the Montreal/Toronto/Vancouver scene as corporate law firms would come to toast and recruit. There really did not seem to be much alternative.

Beyond going into public law, finding a smaller law firm to work for, and working for the government, there is another way. Going to law school does not mean that you have to practise law. Of course with the word I hear of shrinking opportunities in the Canadian legal market, you may have no choice. But you don't necessarily have to be forced into such a situation -- you can choose beforehand to select another career.

I know that law's salary and security is tempting (I referred to it as the "trap" when I was changing careers, it wasn't easy for me to make the switch). But you must realize that you are getting one of the best possible educations, well suited to any profession. Your time at the Faculty is more about learning a discipline and a way of thinking than it is about getting vocational training. I ultimately see my time at McGill as a really intense liberal arts degree (my lack

of attendance at some classes might have been a direct result of this "undergrad" type thinking). Indeed even now, I dissuade people who ask me whether they should go to law school when I sense that all they're looking for is a profession, and not an education. In other words, they go to law school merely to become a lawyer.

My legal training has served me well in journalism. Beyond my practical knowledge of the law, I am able to understand quickly the crux of a story or a complicated problem, I can see both sides, and I can reason effectively and efficiently. I can also defend myself when people denigrate me for being a journalist -- I've had enough practice having already been one step down on the food chain as a lawyer. These skills will take you far in any job.

All this to say I'm very proud to say I studied law at McGill and I am proud to call myself a lawyer. But I'm even happier that I stepped away from practising to try something different and for me, more satisfying. NBC News hired me partly because of my legal education. That tells me there's a place for those of us who have gone to law school, but want to try something different -- it just takes a little courage, and a bit of imagination.

## Quid Positions Open

Yes, this is turning out to be a tumultuous year for the Quid Novi.

There are now two Executive positions open as of 1 January 1994. As explained in our 26 September 1994 issue, the Editor-in-Chief position will be open as Jay Sinha steps down. As well, the Production Editor, Don McGowan, has recently decided to resign at the same time.

Elections for both positions, Editor-in-Chief and Production Editor, will take place on 23 November 1994 at 12:30 p.m. in Room 101. All are welcome to attend and any staff member or any person who has written for the Quid Novi at least three times is eligible to vote and/or run for a position.

Let us hope the transition into the New Year is a smooth one.

## SSMU Phone Book

**Adam Atlas**  
LSA VP External

This year, for the first time, law students have been included in the SSMU campus-wide phone directory called the *SSMU Operator*. Telephone numbers of law students were collected earlier in the term for the Faculty *Bottin* and the SSMU directory. Some students may be surprised to know that their phone numbers have been included in the campus-wide directory. It is expected that the LSA will continue to participate in the SSMU directory in future years, but law students will be given a much more explicit choice as to where their phone numbers will appear, if anywhere. If you have any questions or concerns please speak with a member of the LSA.



I have a lovely apartment, and for the first time in my law school career I have a roommate I'm actually fond of who lives with me in it. The only problem is that I never get to spend any time in my apartment. You see, while I rent an apartment, I live in the Moot Court. For three hours on Tuesdays and Thursdays I'm a prisoner in the Dickensian workhouse known as *The Moot Court*. The only thing moot about the room is whether or not you want to be in there because you have to go. Anytime a class is bigger than 80 people, it has to be held in the Moot Court. The Moot Court must have been designed by the same guy that did the Marquis de Sade's rumpus room. Over the summer the law school recovered every chair in the place with this lovely synthetic "pleather" covering. I would have chosen a more environmentally friendly cloth covering, which would have provided greater mobility. However, I guess the professors didn't want the students moving around in their seats. Moving around has certainly been ruled out, but sweating through the seat of your pants is definitely in.

The problem with the faculty is that no one ever asks my opinion on what they can do to make students happy. Aside from daily Coffee House, an articling job for everyone, and world peace, I think that every student would appreciate it if we got decent writing desks in the Moot Court. It's easy for a professor to lecture in the Moot Court; they have a desk, a lectern, and a set of really comfortable chairs with neat castors to hold all their stuff. All students have is 80 square inches to balance a civil code, a casebook (containing the case of *BCN v. Houle* after all, this is a civil law course), note paper, and the mandatory "Turbo Tasse" of coffee. This is conditional on the seat actually having a writing desk and not a two-pronged metal appendage where the desk used to be. Another drawback to the desks is that you have to fight the person next to you for the space to rest your elbow and you still can't write anything legible. Finally, the whole thing shakes like a Betty Ford patient in withdrawal.

So what should we do with the Moot Court? We could hold gladiatorial games by filling the stands with civilians and throwing a common law property professor to Me. Godin who could beat him into submission with a civil code and the mantra, "A hypothec is not a

mortgage." Oh what a spectacle it would be! We could take all the proceeds and donate it ... If you really wanted to pack the place and rake in the bucks just invite Professor Boodman and Professor Jobin to appear. The audience would be captivated as Professor Boodman could ask Professor Jobin repeatedly, "In your book on sale, what did you mean when..." I would even be willing to let it stay as a lecture hall provided that each seat was outfitted with a state of the art workstation that could tell you the characterization of a legal problem, let you check your e-mail, and did parallel citation. On the other hand we could gut the place and put in two full size Squash Courts. It wouldn't help us win any moot competitions, but the people that spent time in the place would certainly enjoy themselves more.

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By the time that you read this the sign-ups for Law Games will have ended. Therefore, the following paid political announcement cannot possibly be intended to get you to buy your tickets for law games. However, if after reading it you discover that you've made the biggest mistake since taking Business Associations with Professor Jordan by not signing up, see if you can get Jean-Philippe Daoust to sell you a ticket. For those of you first year students who don't know, or you fourth year students that have been living in a cave for the last three years, Law Games is the annual event where law students prove that obnoxious, drunk, and depraved is no way to go through life, but it's a fine way to get through law school. Some have declared that the annual four day spectacle is of questionable academic value. I really don't see what they're confused about because Law Games has absolutely no academic value. Law Games is not for studying, and any turbo keener caught with books will be forced to explain if 1456(2) of the Civil Code of Quebec applies in the case of a resolatory condition. For a more complete picture please see last year's post Law Games

Jodytalk. What is Law Games? ... sports, beer, other law students, beer, the Rideau Canal and did I mention a free case of beer? In short Law Games is like Coffee House every day, and the closest that most of us will ever get to Nirvana.

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In closing I would like to leave you with a few thoughts on the recent Supreme Court decision in the *Daviault* case, and a few quotes about law. The case basically reaffirmed our adherence to the concept of *mens rea*, a tenet that I had thought that the Supreme Court had long ago dispensed with. Being a strong advocate of due process and the right of the accused to make full answer and defense, I should applaud this return. However, the whole thing has left me slightly queasy. The defense of drunkenness when it is akin to automatism may make perfect legal sense. However, if it allows this kind of atrocity I am not sure how much common sense it makes. This leads me into my first quote from P.J. O'Rourke who heads up the foreign affairs desk for Rolling Stone Magazine, "Most of life should be guided by a lot of common sense and not legal quibbling." I'm still not sure whether or not in the case of *Daviault* which side should win out. You better believe that when I figure it out I won't keep it a secret because we as the future lawyers of this country must take a stand, which leads me to my final quote from an unknown governor in a backwater southern state that became President of the United States, "Well, we haven't reached the ultimate. But who's going to search the heart and soul of an organization like yours or a law school or a state or a nation and say, 'What can we still do to restore equity and justice or to preserve it or enhance it in this society?'" That man is Jimmy Carter.

*Eds. Note: Jody forgot his by-line. Allow us. Jody Berkes is a third year law student who runs with wolves and drinks with the best of them. His column appears whenever the Quid Novi does.*

# JodyTalk!



# Hélène et Nathalie

Helene Jutras  
BCL I

Vous ne me connaissez pas. Je suis toute nouvelle à la faculté, toute intimidée. Mais cela ne change rien. J'ai quelque chose à dire. Ce n'est pas, je crois, d'un grand intérêt pour tous, mais je commence à découvrir le pouvoir des médias et après tout... pourquoi pas?

Voici les faits. J'ai écrit un article, qui a été publié le 30 août dernier dans le Devoir. J'y disais que je désire quitter le Québec. Je me disais que, régulièrement, des sondages annoncent que les jeunes anglophones veulent, en majorité, partir, et que jamais on ne demandait l'opinion des francophones. Ce n'était pas vraiment une réflexion politique, du moins pas entièrement, mais on l'a compris ainsi. Mes raisons de vouloir partir sont, bien sûr, reliées à la politique, mais avant tout à la façon dont la majorité des gens d'ici voient la vie, la culture, et même cette fameuse politique. L'article

a eu des tonnes de répercussions innattendues. Sans le faire exprès, j'étais tombée au moment propice, en pleine campagne électorale. J'ai été invitée à quelques émissions de télévision et de radio. Des gens m'ont écrit leur désaccord, mais aussi leur appui. Les choses, après quelques semaines d'agitation, allaient se calmer, pensais-je. Évidemment j'avais tort. Le 22 septembre, jeudi dernier, Nathalie Petrowski a fait de moi et de la controverse -que j'ai non pas suscitée mais fait ressortir au grand jour- le sujet de sa chronique dans LaPresse, intitulée «Hélène et Mario».

J'ai voulu lui répondre personnellement. Puis je me suis prise à rêver d'une réplique publique, et me voici. Madame Petrowski ne m'a pas contactée avant d'écrire ce qu'elle voulait, alors pourquoi lui répondrais-je en secret? Je n'ai pas honte de mes idées, même si je suis jeune, même si je

sais qu'elles peuvent changer. Voici donc.

Madame Petrowski me décrit comme une jeune fille en colère qui menace de quitter le Québec. Ça me fait bien rire. Voyez-vous, je ne menace personne. J'ai grandi, j'ai regardé autour de moi, et j'ai constaté que je ne trouvais pas ce dont j'avais besoin ici. C'est-à-dire que je rêve d'un lieu où la connaissance est valorisée, où les gens parlent trois, quatre langues, simplement pour la richesse que cela procure. Un endroit où les théâtres d'été ne sont pas bondés alors que ceux qui présentent des classiques menacent de s'écrouler sur de rares spectateurs. Un endroit où le potentiel est encouragé et non pas retenu, où l'éducation n'est pas l'occasion de nivellement par le bas, où les gens lisent par goût et écrivent parce que cela est normal et bienfaiteur. (Oui, la faculté est peut-être un îlot qui ressemble à ce que je cherche. Je ne saurais l'affirmer encore, car mes trois

(Continued on page 8)

## L.S.A.

(Continued from page 1)

democratically elected representatives are preparing some Machiavellian plot to suppress all civil liberties in the Faculty. In fact, some of them are such populists (the Preston Manning types), that they find their own Constitution undemocratic. But before trashing anybody, I should give you the facts.

As you know, one of the top priorities of the Faculty administration is to replace the current library, which is so inadequate, we are being told, that it could irreparably tarnish the enviable reputation of our beloved Faculty. In order to find the \$13 million necessary for this project, a fundraising campaign is underway. The marketing strategy is to show that the entire faculty is strongly supporting the project. Faculty staff have already responded positively and all alumni will not be left alone unless they contribute a few pennies to the Project.

Student Council wants to get involved as well and the objective is to get a financial contribution from all Faculty students. As you are well aware, it is

impossible to get all students to pay for something unless a compulsory fee is collected with their tuition fees. But, this kind of fee increase has to be adopted by the student body through a referendum.

Some Council members believe that it would be unfair for a majority of students to impose a significant fee increase (we are talking about some \$37.50) on all students. Indeed, some Council members have just discovered the harshness of the majority rule! In the absence of a Jean-Jacques Rousseau type of direct democracy body, the solution would be to raise the referendum requirement from a simple majority to a two-thirds majority. But, there is no doubt in anybody's mind that when the Drafters of the Student Constitution said "simple majority", they meant "simple majority" (even law students have their limits when it comes to statutory interpretation).

This is why a motion was tabled on the October 25th meeting to call for a referendum to amend the Constitution and allow Council to ask for a two-thirds majority when it is considered appropriate. I could probably tell you the rest of the story, had Council not been stuck in an endless procedural debate

(hey! they are law students too, after all) which lasted until the end of the meeting.

Whether fee increase should be adopted by a two-thirds majority is a matter open for debate. But if my opinion is worth anything, I would suggest that Council should not seek amendment each time the Constitution gets in their way for short term political ends. If the referendum provisions are no longer appropriate, a detailed proposal should be put forth and carefully drafted taking into account long-term implications. Constitutional amendments prepared in a hurry to suit specific projects or on the back of an envelope during LSA meetings should not be acceptable. How the hell are students supposed to know what Council had in mind when they called a referendum to endorse amendments of the sort?

But there is no need to raise barricades yet. This may just be one of those foolish proposals which spark huge debates among Council members and then get defeated in a 15-1 vote. Who said LSA meetings were boring?



# Sliding Genes

Adam Atlas  
BCL II

The news man said that genes tell all. Success, failure, sickness, health, 60% of everything is mapped-out from conception. The news man and her viewers are all lathered-up for the slippery slide down to segregation based on genes and race.

Alas, let us be thankful that humanity

has purported to avoid this kind of segregation for 30 years or so.

With no gods, countries, communities, or families left to appeal to, we bore deep into ourselves to find justification for inequity. So isolated and strange are we, that we dare not look beyond the cells at the end of our noses to understand our fellow citizen.

Eugenics comes and goes. This time, however, it comes with so much passive

support, from such reasonable people, that we will likely all be sliding towards slaughter house five and segregation by genes with smiles on our clinically-approved, well-fed, tofu-smearred faces, without even knowing it.

LSAT or blood test? Your kids might have the choice. They might not.

Bonne chance mes amis. May *your* genes survive *this* selection.

## Hélène

(Continued from page 7)

semaines d'expérience ne me qualifient pas pour un jugement de cette importance. Mais même si cette faculté ressemble à ce que je cherche, elle est trop petite: je ne peux y vivre toute ma vie! Alors je voudrais quelque chose comme ça, mais en plus gros, si vous voyez ce que je veux dire.) Trouvez-vous que je menace quelqu'un? Je ne demande pas qu'on me face une place ou rien de ce genre, je ne fais que dire, sans animosité, que je veux partir. Pour la colère, on repassera.

On peut critiquer mes idées, c'est tout-à-fait normal. Mais jusqu'où? Dites-moi, vous qui avez quelques années de droit derrière vous et qui me semblez très savants, à moi toute naïve, jusqu'où peut-on aller? Madame Petrowski a écrit: «Helene, qui [a] dix-neuf ans, est déçue du Québec. Pauvre petite chouette.» Suis-je seule à voir là de la condescendance?

Madame Petrowski reproche aux médias de m'avoir «laissé braire» (comme c'est gentil!), de ne pas m'avoir confrontée. Les médias doivent-ils donc tous être agressifs pour être adéquats? Pour vous dire franchement, j'ai à peine dix-neuf ans, je suis aussi terrorisée qu'heureuse de commencer l'université, et si on m'avait mis davantage de pression sur les épaules je ne serais pas là pour en parler. Du jour au lendemain, j'ai dû répondre à des journalistes, expliquer le pourquoi et le comment de chaque chose. Je n'avais aucune expérience dans ce domaine, j'ai fait de mon mieux et c'est

tout ce qui pouvait être fait. Si l'on m'avait agressée, je n'aurais simplement pas répondu. Le seul fait d'être journaliste doit-il enlever à une personne toute trace de civilité?

Je me questionne depuis sur les médias et la pseudo-information qu'ils véhiculent. Une columniste, comme madame Petrowski, peut dire ce qu'elle veut. On ne prétend pas qu'il s'agit d'information car sa chronique reflète, j'imagine, ses opinions. Seulement ces opinions, qu'elle a le privilège de faire connaître au grand public, sur quoi les fonde-t-elle? Je le répète, jamais je ne lui ai parlé... La question n'est pas de savoir si ce qu'elle a écrit m'attaque ou me blesse (selon moi, comme tant d'autres, elle est passée à côté du message que j'exprimais). La question se situe davantage au niveau des effets de ses écrits. Car les gens, qui ne me connaissent pas, n'ont aucune raison de ne pas croire ses dires. Dans ce cas-ci, ce n'est pas très grave, mais est-ce cela ne pourrait pas le devenir? Enfin...

Madame Petrowski termine en me comparant à Mario Dumont, parce que lui a choisi de se battre pour le Québec, alors que, n'y croyant plus, j'ai choisi de me battre pour moi. Elle regrette que l'on me cite en exemple alors que l'on traite monsieur Dumont d'opportuniste. Je n'ai jamais eu l'impression d'être un exemple à suivre, ni d'avoir été considérée comme tel, mais si cela a été fait, je le regrette. Je n'ai pas voulu convaincre, j'ai voulu informer, sans prétendre représenter qui que ce soit. Cela dit, j'ai reçu beaucoup de témoignages de gens qui pensent comme moi, du moins en partie, mais ce ne sont pas ces témoignages qui ont été rendus

publics. L'information publiée n'est pas fausse, elle est simplement «choisie». Et on ne me permet pas souvent de répliquer. Une chose encore: j'ai reçu une lettre d'un homme qui a passé plus de dix ans sur les bancs des universités. Il a deux maîtrises et trois baccalauréats, dont un en droit... cela vous intéresse à présent? Eh bien, après n'avoir trouvé que des emplois temporaires ici, il prépare le terrain pour s'en aller, parce que, croyez-le ou non, ailleurs, on lui offre des postes. Et je suis prête à parier qu'on a déjà dit à cet homme qu'il était suréduqué. (Après tout, il n'avait qu'à chercher une formation de technicien car il faut aujourd'hui choisir en fonction des emplois disponibles, non pas en fonction de nos goûts et de notre désir de développement intellectuel, non?) Je ne sais si la suréducation existe ailleurs qu'au Québec (Canada), où on peut savoir trop...

Extraits de mon article du 30 août 1994: «Si le parti québécois gagne, alors c'est la guerre. Il n'y aura pas plus d'emplois, pas plus d'argent et sûrement pas moins de déficit. Seulement ce sera la guerre. À grands coups de terreur et de «vous n'aurez pas de pension», les fédéralistes vont frapper. Les «séparatistes», comme dit notre premier ministre, vont se défendre, comme ils le pourront. Mais en vain. Et nous serons le premier peuple dans toute l'histoire de l'humanité à refuser deux fois (en quinze ans) de nous prendre en main. J'ai honte rien que d'y penser.»

«Je ne me sens pas la force de tout changer. Je sais que, sous une forme plus ou moins cachée, on me le reprochera.» (Cela a déjà été fait.)



# HELLO FROM DOWN UNDER

**Ami Kotler LLB III**

*(on exchange at the University of New South Wales, Australia)*

*[with guest appearances by Anna and Jo]*

G'day everybody! How are you all doing? Regards from your Australian contingent! What a country! We've been here since the end of July studying comparative Constitutional Law, issues in Criminal Justice and Surfing! It's more fun than you can shake a stick at, except for the Vegemite (very nasty stuff - by no means should you allow the Aussies at McGill to talk you into trying it!)

School ("uni") is very similar to what we are used to - four courses make up a full time load, and you have "lectures" for three or four hours a day. One big difference is that Law is actually an undergraduate program - you do it right out of high school. As well, you don't do it on its own. You combine it with some other program, so people take "Arts/Law",

or "Commerce/Law" etc. A typical first year student might be taking Psychology, Torts, and 18th Century Drama. It's a little strange to get used to, but it really takes a lot of the mystique out of going to Law School - it's just another set of courses!

Australia is an unbelievable country, and anyone who has never experienced life in a Harbour City doesn't know what they're missing. Just the sunsets could reduce you to tears. The funny thing is, people here tend to be almost blasé about it! I mean, you drive over a hill and there it is - the Pacific Ocean, just sitting there! It's all you can see! And people here are "yeah, you know, the ocean, no big deal". Oh well, for someone who grew up in Winnipeg (where oceans are a pretty scarce commodity) it's quite stunning. Not that there's anything wrong with Winnipeg! (*Eds. Note: here, here*) In fact, by the time I'm finished here, I hope to have created the International

reputation for Winnipeg that it has so long deserved!

Australians themselves are totally wicked. Don't be deceived by the rather lackluster candidates that we have seen so far. [Watch it mate or you'll end up in that big beautiful Pacific Ocean that you have been so admiring and your dear Winnipeg will disappear into oblivion!!!]. See what I mean? Hi from Jo and Anna.

MOST Australians, on the other hand, are friendly, supportive, and encourage you to get as much out of your time with them as possible (even if it means cutting, oops, "bludging" the occasional class). Popular pastimes include "footy" (like rugby, only eight hundred times better and with more beer), cricket (yes, some countries still play it!), and going to the beach! Bodysurfing, windsurfing, if it involves waves, it's spot on! Don't forget, though, the water's salty, so don't swallow! [No, you wimpy Canadian, get

*(Continued on page 10)*

# Singapore Connection

**Vincent M. de Grandpre BCL III**

**E. Marian Tremblay BCL III**

*(on exchange at the National University of Singapore)*

**Brand New BMW For Only Half A Million**

After only one term in office, Canada's People's Action Party is about to present its new agenda at its private annual congress. A copy of the Prime Minister's speech has once again been stolen from party headquarters and is printed exclusively in the *Quid*:

"Dear Fellow Canadians:

The country has finally put its perpetual identity crisis behind it: the "question Quebécoise" has been solved once and for all to everyone's satisfaction, and Canadians as a whole (thanks to the miraculous "confederated superstructure")

can now turn their attention to economic problems. Canada has come to grips with the fact that it lives next to a giant, the U.S., and has learned to take advantage of the situation. There is no need for the country to live in fear of intellectual and cultural invasion. Better to stop being defensive and start imposing *our* identity. Better to resolve and to address concrete problems rather than vague existential questions.

This is why this government, in the second stage of its reforms, reaches the conclusion that a new competitive era has dawned on us: economic success now comes with the development of human rather than natural resources. First and foremost, the government has taken the initiative to invest massively in education, research, development and training. As a concrete example, McGill's debt has not only been absorbed, but its working budget has in

fact been increased. From grade 1, the education system will become rigorously meritocratic. Students at the university level will find it easier to be admitted to foreign universities than to their own. At the university level, the best students will be offered scholarships of several tens of thousands of dollars to pursue their studies at home or abroad, in the very best universities. In return, students are required to commit themselves to working in Canada after they graduate for 3 to 8 years. The top students, clever as they are, will accept this offer without hesitation.

The government and Canadian corporations will adopt a similar policy towards foreigners. For example, Air Canada will offer Mexican and South-American high school students important scholarships to attract them to Canada; tuition fees and lodging will be

*(Continued on page 12)*



# Clash of the Titans

Craig Shepherd  
LLB II

On October 19, 1994 The Globe and Mail organised a nationally televised debate between Mr. Lucien Bouchard, Leader of the Official Opposition and Leader of the Bloc Québécois, and Mr. Joe Clark, former Conservative Prime Minister of Canada and minister responsible for constitutional affairs.

For over a year, Mr. Bouchard has been looking for an opportunity to debate someone of Mr. Clark's stature. Throughout the recent Quebec provincial election campaign, Mr. Bouchard trailed the champions of federalism like a timberwolf: Jean Chrétien, Brian Mulroney, Pierre Trudeau. The heavyweights of recent Canadian political history were invited into the ring to take on the prizefighter of Quebec sovereignty, perhaps the largest, most charismatic performer in Canadian politics today.

Event promoters billed this debate as the title match between two giants in constitutional law. For sports enthusiasts familiar with heavyweight boxing history, this was to be "The Thrilla in Manila" or "The Rumble in the Jungle" of contemporary national politics.

Mr. Bouchard, whose passion is well-suited to television, came out of his corner "floating like a butterfly, and stinging like a bee." Mr. Bouchard claimed that the

Canadian federation is hopelessly unworkable, that Quebec will never have the kind of powers it needs to satisfy its economic, social and cultural priorities while still part of Canada. Being part of our federation, Mr. Bouchard suggested, means that the Quebec government will always be subordinate to the central government. He argued that the rest of Canada then holds a veto over the future development of Quebec. Witness the patriation of the Constitution, Mr. Bouchard suggested.

Mr. Clark effectively rebutted each point, suggesting that the kinds of compromises found to be so irksome by some Quebecers would exist whether this province were part of Canada or not. The challenges and the tensions would be the same in an independent Quebec, except that it would have less influence and its debt would be larger.

Mr. Clark, sometimes accused of being flat-footed in the ring, stepped in with a flurry.

"Mr. Bouchard ... I admire your passion. I still respect what I believe is your integrity. But I don't think you know the country you would leave, the country you would destroy."

Now front and centre, Mr. Clark ever the valiant challenger pressed on.

"I fear you are inviting the people who trust you, the people who look to you for leadership, to leave a country which you

have not really tried to make work..."

These were the punches that could bring down the walls of a city. Head up and unprotected, Mr. Bouchard looked stunned as Mr. Clark delivered the knockout.

"If you were a boxer in a 15 round fight, you'd quit after the third."

Mr. Bouchard's knees buckled two or three times and Mr. Clark loaded on him all the conviction he could find.

"I for one, am not prepared to give up on a country because two constitutional negotiations failed. On the contrary, I am absolutely confident that we can find agreement in Canada on a more modern and flexible federal system..."

Mr. Bouchard tried to recover through the rest of the debate but it was clear that Mr. Clark's old calling card, earnest and unflinching dedication to a flexible constitutional arrangement, had won the day. Even Mr. Clark's most severe critics would have to concede that he had nearly floored Mr. Bouchard.

Mr. Bouchard and Mr. Clark are indubitably two of the master craftsmen of Canadian politics. While Mr. Bouchard might be the best pound-for-pound fighter on the circuit, this debate proved that the old champions of federalism are down but not out.

Stay tuned for the title bout within 12 months.

(Eds. Note: Any comment, Mr. Neuer?)

## HELLO

(Continued from page 9)

used to it! Wait until you get dunked! One new sport that we've picked up on - "sculling"! No, it's not about rowing! Another form of boat racing, actually...

Politically, the country reminds me a lot of home. Lots of complaining and jockeying for position, but really everything's basically OK. Interestingly, Australia is presently considering abandoning their status as a Constitutional Monarchy and formally becoming a Republic! Maybe then we'd win some medals at the Commonwealth Games...[No way mate! You have to learn how to scull first!!] See what I have to put up with? I spent weeks explaining to

everyone here that it's simply not good international etiquette to put on a set of games and then win all the medals yourself (Osgoode, are you listening?), but nobody here paid any attention. On the other hand, freeze the pool, give everyone a hockey stick and these guys wouldn't know what to do to save their lives! [You still couldn't win a boat race...sculling, that is!!] In fact, Jocelyn Barrett, whose Australian citizenship is questionable at best, was recently made Captain of the State (province) Women's Roller Hockey Team and represented New South Wales in the National Finals two weeks ago! She says there's talk that if she stays, she'll make the Olympic Hockey Team. She also says to say G'Day to you all and is looking forward to seeing your lovely faces

again when she gets back.

Anyway, we're all having a total blast down under. Sydney is extraordinarily "good value". How are you all doing? Are the factums in yet? How is coffee house? Hey Professor Sklar, we found an article by you in one of our textbooks today! Miss you guys! Hope everything's going well for you. I'll write again before we come home. Somebody go have a souvlaki at Mike's for me. G'day!

P.S. Hey Dave, Tony and Elize don't take any\* crap from these Canadians, just because they play ice hockey! Remember we won the Commonwealth Games without even playing one game of footy or without one boat race!! [Must be all the Vegemite...]



# Three Private Tattoos

Adam Atlas  
BCL II

You'll never have to give your phone number to the pizzeria again, let alone your address. With the new and enhanced caller-ID, from Bell, (the post-deregulation sinking parental-ship of phone companies), when you make a phone call your address will, in many cases, appear on the little screen of the person you are calling. You might say that the telephone has come full-circle. At first the local town operator knew everyone's business, then automated exchanges introduced the idea of the anonymous phone-call, and now we are back to where we started, barely able to flick the TV on without someone down at Roger's HQ knowing what is going on in our hot little wired-up den.

## Background

This article is the third in a series on privacy which began last year. The first article was a critique of the new provisions for privacy in the CCQ 1994, and the Quebec *Act Respecting the Protection of Personal Information in the Private Sector* (Bill 68). The second article was an introduction to the Credit Bureau of Montreal, otherwise known as Equifax Canada, the organisation which decides who gets credit and who does not in Canada. The second article also introduced readers to the Communications Security Establishment, a Canadian spy agency, with a budget greater than that of CSIS, which listens in to Canadian international telecommunications, including telephone calls, to protect national security.

## On-Line Credit

The Montreal office of Equifax Canada, or the Montreal Credit Bureau, has about seven million files, one for each person in Quebec who has ever had a credit card of any kind registered in Quebec, or taken a loan from a bank (excluding student loans), or who has bought a car on never-never etc... The file kept on each of these individuals contains basic information including: statistics on how often the person has been up to date in their credit payments, a record of every application for a credit card ever made in Canada, a record of credit cards held by the person and the status of the accounts with each card. This file is updated at least

bi-monthly by the credit card companies which send all pertinent statistics about their customers to Equifax. There is a symbiotic relationship between Equifax and the various credit card companies. Since Equifax holds the credit histories and ratings of all persons, credit card companies turn to Equifax whenever they need to gut a new fish. For example, a recent applicant for an Eaton Card waited only a few minutes while an Eaton employee faxed a credit-rating request to Equifax. By return fax, Eaton was provided with the credit profile of the applicant, along with a **suggested** credit limit which Eaton then placed on the new Eaton Card. None of these transfers of highly sensitive information would be (legally) possible without the fine print on credit card contracts. Eaton is privy to this private information partly thanks to the permission of the applicant and partly because Eaton pays good fees for the information provided to it by Equifax. Those fees are how Equifax maintains a handsome marble floored mini-high-rise in the north end of Montreal. The current economic conditions are likely giving more business to the credit record keepers as consumers scurry to hide from their debts.

## My Visit to Equifax

And now for your car insurance... There is a league of insurance companies in Quebec, called "Groupement des assureurs automobiles" (located at 500 de Maisonneuve West), which provides the same scrutiny of your automobile insurance record as Equifax provides for your credit history. Under the current law in Quebec, you are allowed to see any file containing personal information that is kept in your name. (For example, if some profs. wrote you letters of recommendation for law school which you never saw, you could request to see those letters, as they are contained in a file kept on you by the Faculty. But, you got in, so why bother?) So, in the spirit of the law, I adventured to Equifax and made use of the access to information service which they provide for the Groupement des assureurs. I presented two pieces of ID to a person in the Insurance Division, who asked me to fill out a form with everything from my name to my SIN number (which I naturally did not provide). The person disappeared behind a large

metal door which requires a swipe-card to open, and I waited. After about ten minutes, my attendant said that they were having computer trouble logging into the Groupement. Finally my file arrived. Supremely anti-climatic was the moment. While a one-page file existed on me, because I drive in Quebec, the file was empty, all but for the three entries made in the file, by the person checking it, who could not believe that I had schlepped all the way to Equifax to look at my accident-free empty file! So there you have it friends, in the name of this article, I have gained three "Requêtes du titulaire" on my insurance record that will stay there until the "Régie of who is passé" informs the Groupement that I am an ex-parrot. I wonder if this means, in common law terms, that the Groupement has a "life estate pur autre vie" in my personal information. After all, when the subject of the file expires, so does the justification for its existence. After recovering from the perplexing Orwellian symbolism of having created three entries in my life-time insurance file by simply asking to see the file, I went home.

## Sermon

Short of becoming a vagabond, there is little we can do, right now, to keep ourselves off electronic lists of various kinds. The more lists you are on, the thinner your good name is spread across the hard-drives of the world. It is hard to say if this way of life which we are embracing, (with mandatory E-mail communication and other list-linking devices), is adding or subtracting from individual identity and humanity. On the one hand, the person on many lists exists in the minds of many people, if only as a marketing statistic. Similarly, the person on few lists is deprived of recognition by our identity-granting computers, and left coupon-clipping with only the anonymous junk-mail. However, when these lists contain false information, we are forced to compete for our identity with the unforgiving 486 and its stubborn gate-keeper, the bureaucrat. If we had a CD ROM of all the people in the world, would it mean that some of them would be better fed? If we had a CD ROM of every case, would it mean they would be better read? No and no. I see no correlation between the advance of technology and the pursuit of justice or knowledge.



# Singapore

(Continued from page 9)

paid until graduation after which they will be guaranteed a job. The only requirement is for these foreign students to work for their sponsors for a minimum of three years. The government knows that a high percentage of these students will decide to stay in Canada and contribute to its prosperity. Indeed, after all these years, they are well-established and have roots in this great country. For that very reason, they will automatically be offered Canadian citizenship.

Despite the fact that Canada will now be attracting promising students, the government is still concerned about the development of the populus. The birth rate is very low, especially amongst the most educated. The government has actually learned that only 30% of female university graduates marry university graduates. This is worrisome because statistics clearly show that the children of graduates do substantially better in school than the others. This is to be expected: any rancher would tell you the same thing. The best cattle comes from the best breeders. The government thus plans to introduce a two-fold policy initiative. First, couples of graduates who have more than two children will get generous tax incentives. Second, the government decides that it should promote the union of university graduates. Hence, to promote their congress (\*censored\* read: fornication and procreation \*censored\*), central planners will create "Social Development Units" or "agences de promotion sociale". The agencies have as their mandate the organization of social activities for graduating students. Thus, the SDU's will facilitate the meeting of compatible mates on cruises up the St-Laurent or during an evening at the Grand Theatre and hopefully a prolific union of brains will result. (The government has decided to play a key role in the bedroom of the nation!).

Canada is doing quite well, and its economy is growing at over 10 percent a year. You can see cranes at work everywhere in the cities, which are becoming bigger and higher. To avoid having our large cities immersed in smog every day, the government has again

decided to act. Taxes on gasoline will be maintained. It will be an offense to leave Canada by car for the United States with less than three quarters of a gas tank full. Taxes on new cars will be jacked up: your cute little Pontiac Firefly will now cost \$30,000 and your BMW \$300,000. During working hours, downtown Montreal, Toronto and Vancouver will be converted into restricted zones where you will not enter by car unless you purchase daily or monthly permits. The taxi ride will correspondingly be more expensive everytime one goes downtown at peak hours.

The Council of Major Cities realizes that the central districts are now so crowded that there is just no more space to build new roads. But it also realizes that as Canadians become more affluent, they will buy more cars. So the government has come up with a pretty ingenious scheme. Every person interested in buying a new car will now have to obtain a "Certificate of Entitlement" (or COE) before purchasing the actual vehicle. The government will supply a limited number of COE's which will then be auctioned annually and thereafter freely sold on the market. The COE's are quite environmentally friendly as they vary in price depending on the size of the engine of the car you wish to drive. As a result of this policy, the price of cars will be raised slightly higher: your cute little Firefly will now cost approximately \$45,000 and your BMW \$500,000. Most people will rely on public transportation, but will do so happily, as our transit systems are amongst the most efficient in the world. The government also realizes that housing is expensive in Canada, especially for the less affluent, and has therefore decided to build social housing all through the country. The state will remain the owner of the buildings, but will rent out to the population the apartments for periods of 99 years.

Canada's People's Action Party is quite happy with its accomplishments: our political leadership is proud of its foresight in making public decisions. But, as it sees the population aging, the government realizes that the bulk of the population, after so many years of hard work, will seek to enjoy life a bit more. We know that retired people will start drawing on their pension fund, and will start using more social services. In order

to preserve the political equilibrium conducive to long-term decision making, the government is now considering granting two votes to every citizen between the age of thirty and fifty. It is at this age in our lives, when we have or could have children, that we are inclined to think about the future. In any event, parents need to be given the power to vote for their growing children. This plan recognizes that Canadian adults are responsible people. It also further promotes the sense of responsibility that we enacted the "Parents Bill" (This legislation shifted the burden of supporting the elderly from the state to their children: parents were given the right to sue their children for non-support if and when necessary). There is no need for discussion. The era of politically correct decision-making is over. The time of the welfare state is gone. Canadians who recognize the progress that Canada has made under the People's Action Party and who can see the benefits of long-term decision-making will accept our proposal.

\* \* \*

Stop day-dreaming. Nothing of the above will ever happen to Canada. Unfortunately perhaps. But it happened here in an amazing little country about the size of the island of Montreal: Singapore. With a population of three million and no natural resources (Singaporeans pride themselves in saying that their only natural resource is people), this country has managed to achieve only natural unemployment and has seen its economy grow at over ten percent for at least the last ten years. It has the most modern telecommunication network, the busiest port, and the most efficient airport in the world. Walking in its streets at night is almost as safe as walking in one's living room. It is far from perfect, but it is a country of marvelous ingenuity, hard work and innovative problem solving.

One could argue that Singapore happened to have the right people (tolerant and hard-working), at the right time (establishing itself in the prosperous 60's) and at the right place (in the fast growing South-East Asian market, strategically located to serve as a cargo transit point). One cannot do otherwise but recognize the foresightedness and simple pragmatism of the economic vision of Singaporean leaders. Canada could benefit from a few of these lessons.



# Keanu, Wherefore Art Thou, Keanu?

Jean Nelson  
NAT IV

Imagine being trapped by yourself in an elevator on the sixth floor of the law building. Strange thoughts will swirl through your head. I should know because it was my distinct pleasure to have undergone this singular experience a few days ago. Now to save you, dear Quid readers, from the actual rigours of 45 minutes of solitary psychosis in a battered, stuffy tomb, I present this thrilling account of law school life. This is a tale utterly fit for a building my 6 year-old brother had innocently dubbed, "the Addams family house".

After some rather ominously noisy and bumpy round-trips to the basement, the elevator shuddered to a stop on the sixth floor. With admirable sang-froid, I pushed the alarm button and politely asked the lone student studying outside the elevator to "please, call security". Determined to live up to the best tradition of Anglo stoicism bred through generations of calmly enduring British food and weather, I settled in, stiff-upper lip firmly in place. Somehow, I wasn't surprised that this had happened. Physical calamity seems to be haunting me these days. Only some 2 weeks ago, I had fainted on the Metro, *People* clutched in my sweaty palms,

collapsing ingloriously on the floor, with only scattered pictures of Oprah from the magazine to cushion my fall. Luckily, now I had all 800 plus pages of *David Copperfield* to keep boredom at bay while I awaited deliverance (Dickens offers succour during other excruciating moments like Property classes, but I digress). Unfortunately, as the elevator began to groan quite plaintively and the minutes ticked by, my mind naturally began to wander from the trials and travails of a nineteenth century schoolboy to the stunning beauty and exquisite dumbness of a twentieth century Hollywood hunk and action hero. Wouldn't Keanu Reeves as the doe-eyed and nicely buffed Swat team member from *Speed* busting down the elevator door compensate me for my troubles? But given my luck lately, he would probably not be content to keep his mouth shut and let me bask in his pulchritude. No, he would insist, as the elevator remained stalled, on impressing me with his acting prowess and mastery of accents so memorably displayed in *Dracula* and *Much Ado About Nothing*. Who would rescue me from an actor so blissfully unaware of his own limitations?

As my mind ran in these movie channels, as it is often wont to do, I consoled myself that there were worse fates than being stuck in an elevator with a

beautiful, stupid and prattling actor. Instead of *Speed*, I could be playing out a scene from a disaster epic like 1974's *The Towering Inferno* and spending anguished hours in a confined space with such hams as Brenda Vaccaro and Charlton Heston. Surely, the cable would break to save me from such a cruel and unusual punishment. *Die Hard*, *Terminator 2: Judgment Day* and *The Apartment* were other seminal films in the cinema of the elevator (uhmmm, potential Ph.D. thesis there!) that I considered as time passed and my lip got considerably limper.

Let me tell you, the excitement of living out a negligence hypothetical from a Torts exam wears thin mighty quick. Just as my store of Hollywood lore dipped dangerously low, I heard a voice from the other side of the shuttered door. I was rescued, but instead of offering words of solace and comfort, security wanted my I.D. card! I guess there's no telling when a rash of interlopers, maybe even Concordia students, will be seized with the urge to sequester themselves on defective McGill property. Undoubtedly, that privilege is exclusively reserved for the elect who attend 3644 Peel. Oh well, it was a pleasant change to dream of Keanu in an elevator rather than my 8:30 class.

## J u i c e

Maria Lopes  
BCL I

The present article will focus on the case regarding the State of California versus Orenthal James Simpson and will try to demystify the problematic issues overshadowing the nation-wide televised trial, scheduled to start sometime during the fall. Documentation, citations and facts have been sought in three major magazines, namely *Newsweek*, *Time* and *US News & World Report (USNWR)*. The dates of publication cover the months of June, July and August. The topics

which will be exposed and used to illustrate this article create an explosive ensemble. There will be mention of how the mishandling of proof and bad police methodology, DNA testing, domestic violence, the death penalty and racism could drastically influence the outcome of the trial.

Defence attorneys (Robert Shapiro, F. Lee Bailey, Alan Dershowitz) will attempt, during the trial, to undermine the D.A.'s case by alleging that there was mishandling of physical evidence and they will question the procedure by which police gathered its proof in doing

so, the defence wishes to convince jurors that what is held against O.J. Simpson has been tainted with false and deceiving appearances.

Such a task will not be difficult since the L.A. County coroner's office has admitted that 16 pieces of evidence have been mishandled. There have been mistakes of secondary importance such as falsely labeling a container of bile under the name of « urine ». But more serious errors have been committed: the contents of Nicole Simpson's stomach, which could have been used to determine

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# Juice

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the time of her death, have been discarded and the bloody clothes she was wearing were placed in a communal drip pan which may have contaminated the blood. Carelessness thus weakening the **D.A.'s case; the proof's seriousness and strength against O.J. diminish.**

Furthermore, the physical evidence, constituted of **"a bloodstained Ford Bronco parked outside the Simpson mansion and a trail of blood leading to his front door; 34 hairs from a knit cap recovered at the murder scene, some with Negroid characteristics, others from the head of a bleached blond like Nicole Simpson and a brown leather glove found at Simpson's home, also with three strands of blond hair."** (*Newsweek*, 07.11.94:20), is **proclaimed by defence lawyers to be inadmissible in court** for having been recovered illegally. It is in fact true that police, after discovering the bodies of Nicole Simpson and Ronald Goldman went to O.J.'s house to inform him of the crime. But instead, seeing blood on the Ford Bronco parked outside and the blood leading to the front door, policemen, not wanting to waste precious time, entered and searched the premises without a warrant. They reportedly found blood in the foyer and in the master bathroom of the house, along with some of the items abovementioned. Finally, after more than six hours of unauthorized investigation, policemen acted fraudulently in order to rightfully obtain a search warrant and safely pursue their quest by telling the judge who signed the papers that Simpson had fled to Chicago around the time of the killings. They deliberately portrayed Simpson as a potential criminal to cover up their tracks and justify their action, knowing then that O.J. was already on his way from Chicago. They had, in fact, spoken with him earlier on the phone. They knew that Simpson had gone to Chicago for business reasons on a flight leaving only a short period of time after the killings reportedly occurred. They also knew he had promised to return to LA on the first

available flight.

Regardless of Shapiro's protests (chief defence attorney), the warrantless search pursued by police and the evidence then gathered may well be admissible in the eyes of the law because of the exceptions to the Fourth Amendment requirement for a warrant. Police do have a right to penetrate a person's property without a warrant if they believe "public safety" is at risk. The State can argue that police acted in good faith and entered the mansion because they feared that, if Simpson really was the crazed killer, the people who were inside the house, namely his daughter Arnelle and a friend of hers, could be in grave danger.

Police activity being excused, Shapiro could always try to render inadmissible the blood samples found on the **streetparked Bronco** on the basis that the search warrant concerned evidence found only in the mansion and on its grounds, not on **public property**. He will try to dismantle the prosecution's evidence, piece by piece, until nothing of substance is left.

**Moreover**, he will not fail to point out the fact that many of the prosecution's witnesses-- Jill Shively, Allen Wattenberg and José Camacho-- have sold their story to magazines such as *Hard Copy* and *The National Enquirer*. Witnesses' credibility being therefore put in doubt, jurors may find that accusations against Simpson cannot be verified in a worthy manner. Such sloppy research on the prosecution's part regarding witnesses' authenticity could help the defence have its way.

DNA testing is another issue lurking over the O.J. Simpson case. This particular scientific evaluation has been known to free innocent suspects and to incriminate those who are guilty, without a doubt. The test in itself consists of a simple procedure: for example, the crime lab compares the DNA from blood, semen, flesh or hair collected at a crime-scene with a suspect's DNA. If compatibility is found, the accused is charged, if not, he or she is free to go. But there is one downfall: such a test is not 100% infallible, though it is considered and regarded as such. It is because DNA

tests do not match "each and every one of the three billion chemical units composing a person's heredity" (*Newsweek* 07.11.94: 24)-- it would take an eternity to do so. Instead, it compares only three to six sectors of DNA. Experts say it is sufficient because when it comes to a match the odds of it being false-- of finding another person with the exact same DNA pattern who could as well portrait as the criminal-- are dim: 1 in 100 million.

It is reported that police have retrieved blood samples from the crime scene containing O.J. Simpson's blood type. But each type is shared by millions of people. It is thus not enough to incriminate Simpson, but a match in DNA testing could. On August 26, 1994, *Prime Time* announced that experts had found a positive match between O.J. Simpson's DNA structure and the DNA pattern of blood samples found near the bodies of Nicole Simpson and Ronald Goldman. There was indeed the possibility that Simpson, being the offender, could have left a certain amount of his own blood at the scene of the crime. Police had in fact noticed there were two cuts on Simpson's body. When they confronted him, Simpson told investigators he had wounded himself on the hand while preparing his things to go to Chicago and that the second cut had been made while he was over there-- approximately at the time of the murder. He then said that, before leaving for the airport, he went to his Bronco to get a cellular phone, thus creating the trail of blood policemen found and also, leaving blood on his car, what they also had noticed. The DNA match does not automatically convict Simpson. The defence lawyers can challenge DNA on three major counts.

First of all, defence attorneys will try to convince the judge that DNA testing should not be admissible in a court of law. Twenty-two state high courts in the US have accepted the admittance of DNA evidence. But four others (Washington, Arizona, Vermont and Massachusetts) have banished it as proof. In California, the law isn't definite when it comes to such a topic: one court has admitted the test and two others have

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# Senseless Apprenticeship

Lloyd Lipsett  
LLB I

*So, so you think you can tell  
heaven from hell?  
blue skies from pain?  
Can you tell a green field  
from a cold steel rail?  
a smile from a veil?  
Do you think you can tell?*

*Did they get you to trade  
your heroes for ghosts?  
hot ashes for trees?  
hot air for a cool breeze?  
cold comfort for change?  
did you exchange  
a walk on part in a war  
for a lead role in a cage?*

*How I wish, how I wish you were here  
We're just two lost souls  
swimming in a fish bowl  
year after year.  
Running over the same old ground,  
and have we found,  
the same old fears?  
Wish you were here.<sup>1</sup>*

It was a beautiful sunny day in Vancouver when I found out what had happened. There was not even a little cloud in the Kitsilano sky to prepare me for the bad news. But, when I think about it, there had been plenty of clouds three days ago when the tragedy actually occurred. And, for Christ's sake, it had rained almost every single day in February, pouring up and down the west coast so it shouldn't have come as a surprise at all.

Death is part of life just like the rain falling in wintry Seattle.

So why would I care if Kurt Cobain chose to end his dubious battle?

*I feel stupid and contagious...*

The world started spinning around me, just a bunch of disjointed images and incomprehensible phrases bouncing off the walls. It was like the time a bunch of us got up at Alfie's and were thrashing, flailing, slamming round and round to the driving chord progression of "Smells

Like Teen Spirit". It was before the tune had become over-played and over-popular. That must have been two and a half years ago. Before all the lemmings jumped over-board. The calm before the cliché. Then, we were the only ones floundering about on the oceanic dance floor; isolated, we were purposefully drowning in refreshing waves of anger.

*for this gift I feel blessed*

I remember the eight or nine of us locked together, hugging shoulder to shoulder, an unbreakable circle following the furious rhythm, gaining a dangerous momentum.

*here we are now, entertain us*

I remember throwing my head back and seeing everything from a new perspective: rafters below me, concrete floors above me, and inverted people flying past me.

*with the lights out, it's less dangerous*

I remember the mass of us coming apart - separated by the forces of a planet in rotation - the force of our spinning round too much even for the power of the song that held us briefly together.

*our little group has always been and  
always will be until the end*

I remember Trevor, Mike and I still clinging at the warmth of one another's bodies as we flew across the stage until we crashed into the post and tumbled stumblingly apart.

*I found it hard...*

I remember thinking that the cool feeling of cement was kind of nice against my sweaty back.

*...it's hard to find the will*

I remember looking up, dazed, at the waiter who was telling me to get out and trying to find the words to argue with him.

*and I'm worse at what I do best...  
whatever, never mind<sup>2</sup>*

"Kurt Cobain has just joined the dead poets society," I announced from the floor as the apartment door opened. It must have been weird for her to walk into the room and to find someone just lying in a heap on the floor. It would have been more terrifying if there had

been a pool of blood...

Red is for blood. You might bleed where you're hurting. Blue is for tears. You could shed tears when you're saddened. Yellow is for urine. You can piss yourself if you're scared enough. Black is for death. You might want to die when you feel that you're all alone. We all know the vivid hues of our own pain, but we only ever get faded black and white photos of others' anguish.

I stared at the picture on the cover of *Rolling Stone* as I stood in line at Safeway on the Corner of Fourth and Vine. Kurt stared back at me with flat grey eyes. His teeth are clenched against the probing of another camera. This one was loaded with black and white film. If I had opened the magazine then, I could have seen red lips, yellow hair and the black rings around his blue eyes. But, I didn't bother. It was too late anyway. It was already old news by then.

"It just goes to show that Elvis was right," I said later that night, but to no one in particular. "You can't judge anyone else until you've walked a mile in their shoes."

Even Elvis eventually expired from carrying the burden of his 'love me tender' generation. Just imagine carrying the dead weight of a generation that can't pull itself together enough to get a name.

His music summed up a fucked generation - a poignant message that's lost in the barely comprehensible straining of a hoarse voice, beautiful poetry that's buried under the violent stabbing of guitar strings. Angst that is spread so thick that you can only get glimpse of the genius in retrospect.

Am I getting it wrong? Am I reading too much into this?

Please tell me this isn't a sign of the times.

But there must be reasons for the hole in his stomach and his heroin use. After all, he's not the only one.

He was self-conscious. He was aware of his feelings. He made music. He was an artist. And, he's not the only one.

What do you think he was trying to

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# Senseless

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tell us?

Please tell me that this isn't symbolic.

Kurt Cobain sent unrestrained, distorted power-chords reverberating into the wilderness where I have found myself sometimes. He knew of the apocalypse now beyond the reach of the Kingston Trio and the Beatles. I think that's why I got so scared by his death - why I am still frightened by his desire to burn out so soon. I'm terrified when I think about what's going to happen to the rest of us if he, who had the ability to illuminate the feelings of a generation, succumbed to the Darkness before his twenty-eighth birthday. And I'm scared when I think about how dumb I am.

*When the music's over turn out the lights.<sup>3</sup>*

He made no mistake. He shot himself in the head with a shotgun.

*...This is the end beautiful friend...the end...*

The thoughts of new songs splattered uselessly on a wall. A creative imagination oozing on the floor.

*...This is the end of our elaborate plans ... the end ...*

Now all of it has to be mopped up and rinsed down the drain because he's dead.

*weird scenes inside the gold mine...*

What a fucking mess.

*Desperately in need of a stranger's hand in a desperate land...*

Why did you do it Kurt.

*Lost in a Roman wilderness of pain and all the children are insane...*

Why did you have to go Kurt?

*there's danger on the edge of town...*

Kurt, where are you now?

*driver, where are you taking us?...*

Kurt, did you finally find your nirvana?

*it hurts to set you free but you'll never follow me...*

The horror.

*this is the end of the laughter and soft lies...*

The horror.

*the end of nights we tried to die...*

*This is the end<sup>4</sup>*

The batteries of the tape-player had finally given up their ghost. I suppose

there might have been enough juice to power the radio, but I can't stand the news and that's about all I could get, there in northern Quebec, miles from any city. From then on, the only music I'd have in that isolated cabin will be the few tunes I knew to play on my guitar. If I wasn't to become bored, I had to learn some new songs on my own.

I look over at the empty bottle and shake my head. Most of us get to come back from our suicides: we're always throwing our lives away into books, bottles and beds but we seem to re-emerge. I don't know if that makes us wiser, luckier or just plain chicken. But, then someday you'll awaken and feel fine and think that whatever is meaningful in life will find a way to pass itself along despite all the pettiness and inability to understand.

So, I guess I had better go to bed. It's been another long night and usually you can see things more clearly after a good rest. I close my eyes but I don't get myself unwound enough to sleep right away so I guess I'll just read for a while. I flip open a book as the heavy blackness began to lighten in the east...

"I remained to dream the nightmare out to the end, and to show my loyalty to Kurtz once more. Destiny! My destiny! Droll thing life is - that mysterious arrangement of merciless logic for a futile purpose. The most you can hope from it is some knowledge of yourself - that comes too late - a crop of unextinguishable regrets. I have wrestled with death. It is the most unexciting contest you can imagine. It takes place in an impalpable greyness, with nothing underfoot, with nothing around, without spectators, without glory, without the great desire of victory, without the great fear of defeat, in a sickly atmosphere of tepid skepticism without much belief in your own right, and still less in that of your adversary. If such is the form of ultimate wisdom, then life is a greater riddle than some of us think it to be. I was within a hair's breadth of the last opportunity for pronouncement, and I found with humiliation that probably I would have nothing to say. This is the reason why I affirm that Kurtz was a remarkable man. He had something to say. He said it.

Since I had peeped over the edge myself, I understand better the meaning of his stare, that could not see the flame of the candle, but was wide enough to embrace the whole universe, piercing enough to penetrate all the hearts that beat in the darkness. He had summed up - he had judged. 'The horror!' He was a remarkable man. After all, this was the expression of some sort of belief; it had candour, it had conviction, it had a vibrating note of revolt in its whisper, it had the appalling face of a glimpsed truth - the strange co-mingling of desire and hate. And it is not my own extremity I remembered best - a vision of greyness without form filled with physical pain, and a careless contempt for the evanescence of all things - even of this pain itself. No! It is his extremity that I seemed to have lived through. True, he had made the last stride he had stepped over the edge, while I had been permitted to draw back my hesitating foot. And perhaps in this is the whole difference; perhaps all the wisdom, and the truth, and all sincerity, are just compressed into that inappreciable moment of time in which we step over the threshold of the invisible. Perhaps! I like to think my summing-up would not have been a word of careless contempt. Better his cry - much better it was an affirmation, a moral Victory paid for by innumerable defeats, by abominable terrors, by abominable satisfactions. But it was a victory! That is why I have remained loyal to Kurtz to the last, and even beyond, when a long time after I heard once more, not his own voice, but the echo of his magnificent eloquence...<sup>5</sup>

*Give me a Leonard Cohen afterworld*

*So I can sigh eternally*

*I'm so tired I can't sleep*

*I'm a liar and a thief*

*Sit and drink Pennyroyal Tea*

*Distill the life that's inside of me...<sup>6</sup>*

*Distill the life that's inside of me...*

*Distill the life that's inside of me...*

*Distill the life that's inside of me...*

1 Pink Floyd, "Wish You Were Here."

2 Nirvana, "Smells Like Teen Spirit."

3 The Doors, "When The Music's Over."

4 The Doors, "The End."

5 Joseph Conrad, Heart of Darkness, (London: Bantam, 1989), pp.119-120.



# Juice

(Continued from page 14)

rejected it. Knowing that the prosecution will advise the test, the fight over the acceptance of DNA evidence will be capital. If the state wins, O.J. Simpson will most surely be found guilty of first degree murder with premeditation. If the defence gets its way, the case against Simpson weakens.

Secondly, the defence will point out that DNA labs are not required to meet any standards and that, consequently, the margin left for errors is quite large-- too large. "Say some material is recovered off a driveway," says Jonathan Koehler of the University of Texas. "When the lab is setting up the test, (the technician) accidentally dribbles some of the defendant's blood into... the driveway blood. You're going to get a match. It's happened." (*Newsweek*, 07.11.94: 25). Mistakes of such calibre cannot be allowed when it comes to convicting or freeing a suspected killer.

Furthermore, science being quite complex, prosecution and defence experts may not always have the same interpretation when it comes to analyzing the DNA test. In fact, in a 1992 rape trial, defence specialists set the chance of a false DNA match in a semen sample at 1 in 65 000. But prosecution scientists stated it was 1 in 189 million. Who should jurors believe? It becomes comprehensible that Shapiro wishes to conduct his own tests on the blood samples. He wishes to see whether or not his people agree with the state's conclusions on the test.

Ambiguity of interpretation and lack of reliability regarding DNA testing might well favour the defence which seeks to discard such evidence, thus leaving the State without a major possibility of argumentation.

Domestic violence is yet another heated issue raised by the O.J. Simpson case. The sports superstar has always had a reputation for mistreating and overpowering the women close to him, both physically and emotionally. "I don't believe in equality in a relationship.

Someone has to have the upper hand," Simpson once told an interviewer (*Newsweek*, 08.29.94: 47). He appears to have imposed on his women such a male-dominated, jealousy-oriented philosophy and narrow-sighted view of the intimacy between men and women. His first wife and high school sweetheart, Marguerite, described Simpson as a "beast" who, as a high school student, had not allowed young men to talk to her. (*Newsweek*, 08.29.94: 46). Nicole Simpson was not an exception to O.J.'s attitude toward women.

The first police-noted domestic incident occurred in 1985, the year of their marriage. During the argument, Simpson reportedly shattered the windshield of Nicole's car with a baseball bat. When police, alerted by the violent scene, confronted Simpson, he declared with a tone of authority: "It's my car [...] I'll handle this. There's no problem here." (*Newsweek*, 08.29.94: 48). Policemen went on their way.

The second major incident took place at 3:00 a.m. on New Year's Day 1989, when Nicole made a desperate 911 call. As soon as officers arrived at the Simpson property, she ran toward them, in her bra, screaming: "He's going to kill me! He's going to kill me!" (*Newsweek*, 08.29.94: 48). She then complained she had, over the years, called them "eight times" but "you never do anything about him, you talk to him, then leave." (*Newsweek*, 08.29.94: 48). Moments later, Simpson came outside shouting "I got two women and I don't want that woman in my bed anymore!" Police, noting the cuts and bruises on Nicole's face, told O.J. Simpson to come with them to the station. He arrogantly responded: "You've been out here eight times before and now you're going to arrest me for this?" (*Newsweek*, 09.29.94: 48). Instead of following police procedure, he fled in his blue Bentley. He eventually agreed upon a "mutual wrestling-type altercation and pleaded guilty to a misdemeanor count of spousal battery [...]" (*Newsweek*, 09.29.94: 48). He absolutely wanted to avoid a trial: the photos of Nicole covered with wounds would only have harmed his reputation.

On October 25 1994, Nicole made another 911 call. Simpson, obsessed by the feeling of fury which had been triggered some time earlier during the day when he had seen a photograph of an old boyfriend in his wife's photo album, broke down the back door of her house. Frightened, she identified the intruder to the operator: "He's O.J. Simpson, I think you know his record. Could you just get someone over here?!" (*Time*, 07.04.94: 27) Pleading, she said: "He's going to beat the s\_\_\_ out of me [...]" (*Newsweek*, 08.29.94: 49).

Gil Garcetti, city district attorney, stated that the handling of the O.J. Simpson case was "a joke, a terrible joke. This whole thing is the result of the justice system not dealing with domestic violence." (*Time*, 07.27.94: 49).

In order to stop such horror, some say drastic measures must be used. LA attorney Gloria Allred wrote to Garcetti on behalf of the Women's Equal Rights Legal Defense and Education Fund: "Since you have chosen to meet publicly with a group (of black people) expressing support for Mr. Simpson's rights, I respectfully request that you now meet with those of us who are concerned about the rights of battered women and who are urging you to consider asking the death penalty." (*Time*, 08.01.94: 48).

The State has filed charges against O.J. Simpson for first-degree murder involving special circumstances, meaning the death penalty might be the punishment requested if he is found guilty. The D.A.'s office is debating whether or not to ask for such compensation.

If Garcetti's office favours the procedure, there might be an acquittal by jurors who don't want to see Simpson executed. If he who has been a god and hero to the eyes of America were to be terminated by the criminal justice system, it most certainly would give way to riots and violent demonstrations all across the country. Such angry and passion-heated outbursts by the public could be disastrous if they induce police-civilian confrontations. Furthermore, the criminal justice system's foundations and principles would most certainly be put in doubt, therefore creating chaos and

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# Juice

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instability in a multiracial society struggling to maintain order, peace and justice in its overcrowded cities.

On the other hand, if a lesser penalty is requested by the D.A.'s office, Garcetti will be accused of granting Simpson preferential treatment. The fact that he is known and admired by thousands of people does not change the reality that he might have committed cold-blooded murder. He is, after all, a citizen like anyone else. He must be treated the same way as his fellow countrymen. "How do we justify not asking for the death penalty if we really believe that O.J. Simpson premeditated the murder of two people? On the straight facts alone, if this case does not qualify for the death penalty, I can't imagine what case will ever justify it," says a deputy D.A. (*Time*, 08.01.94: 47). What crime deserves the death penalty? Isn't murder, destruction of another person's life without consent, with tremendous physical and/or psychological abuse, as great an evil as one human being can inflict on another?

Furthermore, experts believe Garcetti has no choice but to ask for the death penalty. In fact, he demanded, last year, that the Menendez brothers, who presumably killed their parents after years of being abused by them, be led to the gas chamber. He can hardly ask for a lighter punishment in the Simpson case where one of the victims also suffered death by domestic violence. If he does so, it will be clear that the State is not considering this case as it would any other.

The American racial-prejudice wound has, during the Simpson phenomena, been cut open. Many blacks feel that the criminal justice system discriminates against them. Why, they ask, is the system merciless and inflexible when the murder victim happens to be a white person? (While the Simpson trial will start after only a few months following the criminal act, the suspected killers of

Michael Jordan's father, who committed the murder a year ago, haven't yet been arraigned). Why, they continue, are blacks so overwhelmingly represented on death row? (Since 1977, 63 blacks have been executed - for murdering whites - as opposed to only one white who committed the same type of crime - on a black person). According to the *Time/CNN* poll, 66% of whites think that O.J. Simpson's preliminary hearing was conducted in a worthy and fair manner, while just 31% of blacks found it to be so. Many black people feel that O.J. is yet another unsuspecting victim of the "white-media conspiracy" which tries to embarrass them by tastelessly toppling over their black icons - as it happened to Clarence Thomas, Michael Jackson and Mike Tyson.

Simpson's lawyer, Robert Shapiro, also fueled the racial issue by alleging that detective Mark Fuhrman, working with the prosecution, planted the blood-covered leather glove he himself reportedly found at the crime scene. Such an accusation was based on the fact that Fuhrman made racist remarks while he was seeking disability benefits in the 1980s as he was trying to leave the police force. Fuhrman categorically denied the accusation. But after creating talk and commotion over the issue, Shapiro did a very peculiar thing by turning around 180 degrees and announcing that "race is not and will not be an issue in this defense [...]" (*Time*, 08.01.94: 46). An expert lawyer commented that the defence attorneys are "trying to convince the public - and potential jurors - that Simpson is being framed because he is black." (*UNSWR*, 08.01.94: 23).

The all-white defence team was indeed recently joined by Johnnie Cochran, the famous African-American lawyer who defended Michael Jackson last year when he was accused of molesting a young boy. "Johnnie Cochran is a better trial lawyer than the entire defense team put together," states a prosecution source. "Now add the race card. With Cochran in, you're going to have a hell of a time trying to find a black juror who will convict. All you need is a holdout." (*Time*, 08.01.94: 46).

The defence knows exactly what it is doing. The case will be tried before a downtown jury which will inevitably be composed of a certain number of blacks. In such a situation, there is the possibility that black jurors, haunted by how Simpson is a victim of white-racial prejudice, might not convict him even if the prosecution's case appears to be most compelling. There will have to be special care as to finding impartial jurors - blacks and whites who believe in the criminal justice system of America and in the importance of their duty, regardless of their personal opinions and of media-generated prejudices. For there will not be conviction of a suspect if even only one juror stands aside from the others. Should jurors be secluded from reporters and other forms of media during the trial? This particular request will most certainly be brought up during the trial and will cost around \$3,000 per day--which is cheaper than undertaking another trial if there were to be a mistrial.

If Simpson's lawyers ever find themselves in hot water, their fallback defence-positions will most certainly be *temporary insanity* or *action in the heat of passion*. But because their client spent nearly three hours talking with investigators, upon his arrival from Chicago, they can hardly change the statement Simpson then made under oath (and in the absence of an attorney). He told policemen that he was at home at the time of the killings preparing for a business trip to Chicago and that he had nothing to do with the double murder. If he changes his story, the prosecution will argue that he cannot be believed, that he would lie without hesitation to avoid a harsh sentence. Jurors may then have a hard time giving credit to the defence's case.

The outcome of this trial cannot be predicted. The complexity of probable scenarios is somewhat confusing for the inexperienced viewer. But what do experts think will happen? "It is not a winnable case," says a senior deputy D.A.. 'My prediction? Hung jury, bail, retrial, hung again, dismissed.' As he spoke, his colleagues listened in gloomy silence - and nodded." (*Time*, 08.01.94: 47).





# McGill

Third Annual McGill Lecture in Jurisprudence and Public Policy  
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## Luc Ferry

*Les trois vagues de la philosophie moderne ou les tâches de la pensée contemporaine*

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**The Public is welcome**

LUC FERRY, Professor of Philosophy at the Université de Caen and at Paris I, will deliver the *Third Annual Lecture in Jurisprudence and Public Policy*. Luc Ferry is widely considered to be France's most interesting and finest living political theorist and is recognised worldwide as an outstanding thinker. At the age of 43, he has already published more than a half-dozen important and serious works, including *Philosophie Politique*

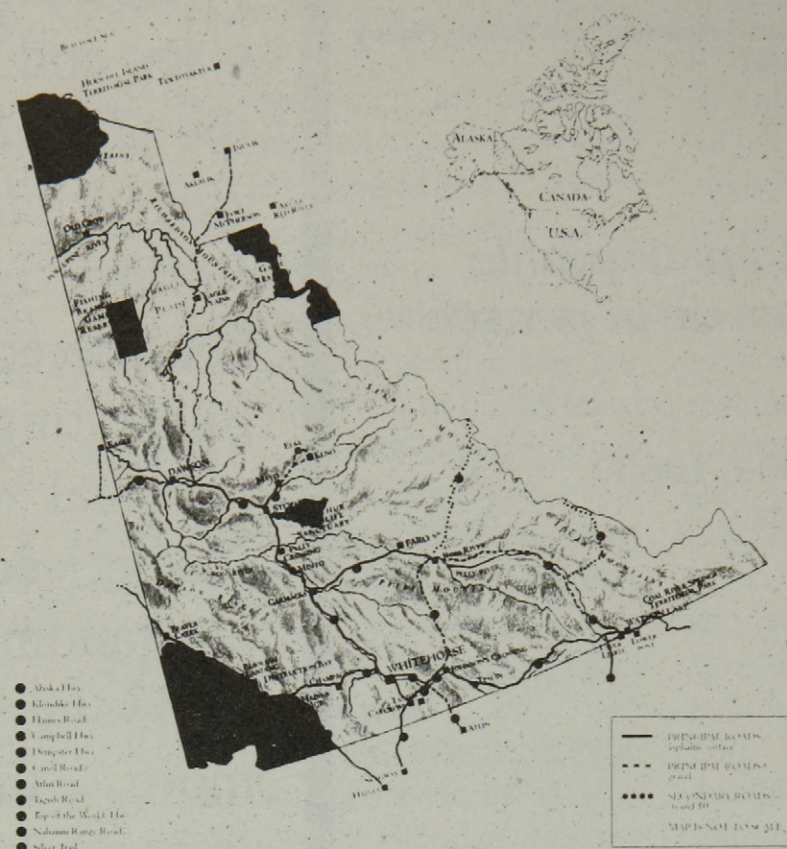
(3 vols.), *Essai sur l'antihumanisme contemporain*, *Système et critique*, *Heidegger et les Modernes*, *Homo aestheticus: L'Invention du goût à l'âge démocratique*, *Pourquoi nous ne sommes pas neitzscheens*, and *Le nouvel ordre écologique*. Luc Ferry has taught and written on both ancient and modern philosophy, and he is as familiar with the work of John Rawls or Leo Strauss as he is with that of Habermas or Heidegger. He has also written on a range of practical topics, including bioethical issues, issues in education, and environmental matters. As a speaker, he is clear and very dynamic. (He is often on French television for full-length interviews.) Before giving his lecture here, he will be delivering lectures in the United States at the Institute for Advanced Studies at Princeton University and at the philosophy department of New York University. His paper is geared for a general audience.

This is a unique occasion to listen to a very gifted and an unusually insightful thinker. *Indeed, I would go so far as to say that this lecture is a "must" that should not be missed!*

— Professor Peter Benson



## GETTING TO AND AROUND THE YUKON



# Go North

(Continued from page 1)

cause it is so vast. With a total land mass of over 480,000 km<sup>2</sup> and only 31,000 inhabitants, you can trek for weeks and not see a soul. Based on my own conversations with visitors to the region, the aforementioned quality is especially attractive to Germans. I guarantee you, take a trek in the Yukon's Kluane National Park (home of Mount Logan, Canada's highest peak), and you will undoubtedly meet a German couple.

When you least expect it, whether you are mountain climbing in search of golden eagles or camping by the side of a glacier-fed lake, a German couple materializes out of the surrounding terrain, loaded down with heavy packs, smiling broadly. "There is so much space", they tell me. "There is nothing like this in Europe". The Yukon is Switzerland without the crowds.

In fact, Atlin, which is actually British Columbia's most northern town (100 miles south of Whitehorse), was named the "Little Switzerland of Canada" by people expediting gold there. Having had the good fortune to play on two Yukon ball teams this summer, I travelled to

tournaments in Atlin as well as to Haines and Skagway in Alaska. Haines is the bald eagle capital of the United States and lies just southeast of the majestic St. Elias Range.

Playing against Alaskan oil workers there (on a diamond surrounded by a canvas of snow-capped mountains in the dry heat of summer) was both intimidating and spectacular. When the 6'5", 270-pound first baseman, who happens to weld very heavy pipe for a living, rips one down your third baseline, the ball can bruise your hand even through a new Mizuno glove. Yet when you drop the odd flare, stopping and staring at the surrounding majesty is consolation enough.

Maybe it is just the beauty and the expanse that draws young adventurers back every summer. For me, it is both adventure and academic passion. What may be difficult for some to believe is that many students find work in their specialty. A friend from McGill biology found work maintaining the famous Chilkoot Trail with Canadian and American Park Rangers. Another high-school mate with a management background was hired to run the Student Employment Centre in Whitehorse.

Because of my particular interest in history, I really enjoyed my job with the Yukon Historical and Museums

Association. It gave me the chance to do a CBC radio series on the history of the region, and meet historians and archivists from around the world who travel to the Yukon, researching the fortunes of their countrymen/women who participated in the Klondike gold rush.

Other friends from McMaster and Waterloo found work in the applied science/research fields and in land surveying. Many of us also moonlighted as waiters or bartenders to fatten our wallets for the approaching school year. And we treated our families to expertly-barbequed Alaskan salmon our first night home.

In a sense, the Yukon remains Canada's last frontier. Though every inch of it has been charted and mapped, what it has to offer in terms of personalities and experiences is unlimited. Where else could you spend a Friday afternoon drinking next-to-near-Montreal-quality café au lait with members of "L' Association Franco-Yukonnaise", a weekend on the trap-line of the deputy chief of the Southern Tutchone Nation, and a week cascading down the flighty Yukon, one of the most wild and mysterious rivers in the world? I swear I can sometimes see the ghosts of dead goldhunters by the riverside in the mid-June dusk twilight.